

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

T. Peter Tibbetts

Civil Action No. 11 CA 11399

versus

Massachusetts Bay Transportation Authority

C O M P L A I N T

Parties

1. The Plaintiff is a resident of Boston in Suffolk County, Massachusetts, and is a citizen of the United States.
2. The Massachusetts Bay Transportation Authority, being an autonomous agency of the Commonwealth, is headquartered in Boston, County Suffolk, Massachusetts.

Jurisdiction

3. This court has jurisdiction over this matter because it concerns violations of Federal law, to wit: the Americans with Disabilities Act.

Facts

4. For at least as long as the Plaintiff has lived in the city of Boston--over thirty years--the Defendant has operated the escalators connecting City Hall Plaza with the Green Line subway platform in a manifestly perverse manner(wide escalator downward, narrow escalator upward), endangering anyone suffering from impairment of balance, which lately includes the Plaintiff, aged 65 years.
5. Although the wide escalator in question is no wider than those, for example, at Maverick Square Station in East Boston, the speed at which the Government Center Station escalators run makes inability to grasp both handrails descending an issue. The Defendant, through its various personnel, has repeatedly resisted suggestions that the direction of the escalators be reversed.
6. Since shortly after opening of the renovated Arlington Street subway station, the Defendant has repeatedly blocked, then finally locked the exit gates located immediately in front of the lobby-to-platform elevators and escalators, forcing persons with limited mobility, especially those in wheelchairs, to exit by way of the fare gates, creating unnecessary friction and conflict.

COPY FOR SUBMISSION TO U.S. DISTRICT COURT

T. Peter Tibbetts  
44 Border Street, Apt. 409  
East Boston, Massachusetts 02128

Friday 3 December 2010

Mr. Richard Davey  
General Manager  
Massachusetts Bay Transportation Authority  
Ten Park Plaza  
Boston, Massachusetts 02116

Dear Sir:

Because I have no confidence that you will be permitted to see this letter unless it is made public, I am simultaneously submitting a copy to the Boston Metro newspaper.

I yesterday had the distinct displeasure of participating in a second conference call with your assistant, Mr. Scott Darling, and Debbie Geist, the chief of the Green Line, the purpose of which was to discuss two issues: the clear and present danger to the elderly posed by the nightmarishly fast street-to-platform escalators at Government Center, and the barricading of the exit gates at the gorgeously refurbished Arlington Street station. Concerning the latter, Ms. Geist, with breathtaking dishonesty, repeatedly asserted that these gates, which by their placement are clearly intended for those coming off the escalators and out of the elevators, are "designed" (her word) for emergency purposes only. Now, anyone not willfully blind nor an enemy of the truth will immediately perceive that these gates are there to ease foot traffic and to relieve people in wheelchairs from the necessity of fighting their way past others entering through the fare gates, not to mention the myriad of baby strollers coming to and from the shops and the Public Garden. If there is a need for emergency exits, it is certainly at the opposite end of the platform; but of course the Berkeley Street entrance is now permanently shut, to the detriment of public safety.

Confident that you, unlike too many others in your agency, are neither impervious to reason nor allergic to common sense, I call on you to begin serving the public in this matter, instead of justifying obvious nonsense.

Yours very truly,

FILE *T. Peter Tibbetts*

T. Peter Tibbetts vs. the Massachusetts Bay  
Transportation Authority, continued

Civil Action  
No. \_\_\_\_\_

7. The Plaintiff asks that the Defendant be forced to reverse the direction of the upper-level escalators at Government Center Station, and to permanently unlock the exit gates at the Arlington Street subway station. Further, the Plaintiff asks that the Defendant be formally enjoined from placing trash barrels, traffic cones, or any other obstacle behind or in front of these gates as has been done in the past.
8. WHEREFORE, the Plaintiff demands judgment against the Defendant for willful and persistent violation of the Americans with Disabilities Act by creating and maintaining unreasonable and unnecessary impediments to equal access to public facilities by persons with any physical impairment.

Signed Thomas Peter Tibbetts 7/28/11

Thomas Peter Tibbetts  
44 Border Street, Apt. 409  
East Boston, Massachusetts  
02128-1968  
Telephone 617-569-6507

Attachment: Copies of letters to Richard Davey (3 Dec 2010)  
and Gary Talbot (17 Dec 2010) with details.

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